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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/812,957 | 03/31/2004 | John Ellis Allen | 04011 | 4882 |

23338 7590 05/18/2006

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| EXAMINER |
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MAI, TRI M

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| ART UNIT | PAPER NUMBER |
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3727

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812.957

| Applicant(s) |
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ALLEN, JOHN ELLIS

Examiner

Tri M. Mai

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| Art Unit | |
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. Claims 1, and 2 are rejected under 35 U.S.C. 102 (b) as being anticipated by Curchod (5328230). Curchod teaches a cover having a main cover portion having a plurality of peripheral edges, a fastening band 30 attached to and extending along the plurality of peripheral edges (note that the claim does not require the fastening band to extend the entire length of the peripheral edge), and an anchoring means being the bag 10 holding the cover as shown in Fig. 7.

2. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curchod.

Regarding claims 3-8, note that the third peripheral edge at portion 10 in Fig. 1. including the two rounded portions. With respect to the first end of the first fastening band and the second fastening band attached to the first end and second end of the third peripheral edge. It would have been obvious for one of ordinary skill in the art to attach the first ends of the first fastening band and the second fastening band attached to the first end and second end of the third peripheral edge to provide the desired placement of the fastening band.

Regarding claim 7, note the elastic band 30 (col. 6, ln. 7).

3. Claim 9 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Curchod in view of Huang (5409286). It would have been obvious for one of ordinary skill in the art to provide the anchoring means having a hook portion 24 having an aperture (where cords 19 going through) and a cord lock mechanism having an aperture 23 to provide an alternative anchoring means to the back of the vehicle.

4. Claim 11 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Curchod in view of Reeves (5368912). It would have been obvious for one of ordinary skill in the art to provide an elastic strip as taught by Reeves to tighten the cover against the vehicle. Furthermore, It

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would have been obvious to one of ordinary skill in the art to provide the strip parallel to the fourth edge to provide the desired orientation of the elastic strip.

5. Claims 12, and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable Curchod in view of Cao (4948191).

Regarding claim 12, it would have been obvious for one of ordinary skill in the art to provide a flap 20 as taught by Cao to provide added anchoring means for the cover.

Regarding claim 14, Cao teaches that it is known in the art to provide an elastic portion surrounding the four edge of the cover. It would have been obvious for one of ordinary skill in the art to provide the elastic surrounding the four edges of Curchod to keep the cover firmly attached.

6. Claims 1, and 2 are rejected under 35 U.S.C. 102 (b) as being anticipated by Cao (4948191). Cao teaches a cover having a main cover portion, a fastening band 32b, and an anchoring means 40.

7. Claims 3-8, 12, and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cao in view of Yeh (4972892). Cao teaches an elastic portion at 26. Cao meets all claimed limitations except for one end of portion 26 is attached to the third edge. Yeh teaches that it is known in the art to provide a strap 26 with one end on the third edge at 26a. It would have been obvious for one of ordinary skill in the art to attach one end of the strap 26 to the third edge to pull the corners of the cover together.

8. Claim 9 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Cao in view of Huang (5409286). It would have been obvious for one of ordinary skill in the art to provide a hook 17 in the anchoring means 40 to keep the cover secured.

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9. Claims 1, 2, 9, and 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Huang (540986). Huang teaches a cover having a fastening band 12 on the four edges.

Regarding claim 12, note the flap 13

10. Claims 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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